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Village of Fayetteville

Local Law No. One (1) of the year 2013.

A local law amending Chapter 70, Electrical Inspections of the Village of Fayetteville Municipal Code.

Be it enacted by the Board of Trustees of the Village of Fayetteville as follows:

Section One (1).

Fayetteville - [HISTORY: Adopted by the Board of Trustees of the Village of Fayetteville 1-12-1981 by L.L. No. 1-1981; amended 1-14-1991 by L.L. No. 1-1991. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Amusements — See Ch. [48](#).

Buildings, Structures, Premises, Equipment and Conditions, Unsafe, Unfit or Unlawful — See Ch. [55](#).

Fire Prevention and Building Construction Administration — See Ch. [78](#).

Flood Damage Prevention — See Ch. [80](#).

Gasoline Service Facilities — See Ch. [89](#).

Housing standards — See Ch. [99](#).

Fire Protection — See Ch. [142](#).

Swimming Pools, Private — See Ch. [154](#).

Section Two (2).

§ 70-1 Purpose and Intent.

It is the purpose and intent of this Chapter shall be to coordinate the inspections and re-inspections of all electrical installations regulated by the National Electric Code, the New York State Fire Prevention and Building Code, and/or the Code of the Village of Fayetteville in the Village of Fayetteville.

§ 70-2 General Definitions.

Definitions and word usage.

- A. **Scope.** Unless otherwise expressly stated, the words and terms shall, for the purposes of the Code of the Village of Fayetteville, have the meaning shown in this Chapter.
- B. **Interchangeability.** Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter gender; and the singular number includes the plural, while the plural number includes the singular. The word "shall" is always mandatory; the words "may" or "will" are always permissive.
- C. **Terms defined in other codes.** Where terms are into defined in the *National Electric Code (NEC)* or in the *Code of Village of Fayetteville* and are defined in the *New York State Uniform Fire Prevention and Building Code (Uniform Code)*, such terms shall have the meanings ascribed to them as in those codes.
- D. **Terms not defined.** Where terms are not defined through the methods authorized by this Chapter, such terms shall have ordinarily accepted meanings such as the context implies. *Webster's Third International Dictionary of the English Language, Unabridged*, shall be considered as providing ordinarily accepted meanings.
- E. **Parts.** Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in the Code of the Village of Fayetteville, they shall be construed as though they were followed by the words "or any part thereof."
- F. The following words or phrases, as used in this Chapter, are defined as follows:

APPROVED ELECTRICAL INSPECTOR – a residential or commercial electrical inspector approved to inspect occupancies in the Village of Fayetteville.

CODES ENFORCEMENT OFFICER – An employee or representative of the Village of Fayetteville who is appointed or authorized by the Board of Trustees of the Village of Fayetteville.

COMMERCIAL ELECTRICAL INSPECTOR – an electrical inspector who inspects only assembly, business, educational, factory industrial, high hazard, institutional, mercantile, residential other than one-two family housing, storage and miscellaneous occupancies as defined in the New York State Uniform Fire Prevention and Building Code.

ELECTRICAL INSPECTION AGENCY – an entity or organization that employs or contracts with approved residential and/or commercial electrical inspectors.

INSPECTION REPORT FORM – A form that is approved by the Codes Enforcement Officer of the Village of Fayetteville on which the electrical inspector or electrical inspection agency shall report any violation, deviation, or compliance with the National Electric Code, New York State Uniform Fire Prevention and Building Code and/or Code of the Village of Fayetteville.

NATIONAL ELECTRIC CODE (NEC) – published by the National Fire Protection Association (NFPA 70-08)

NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

(UNIFORM CODE) As Amended – The Residential, the Building, Existing Building, Fire, Mechanical, Fuel Gas, and Energy Conservation Construction Codes of New York State.

RESIDENTIAL ELECTRICAL INSPECTOR – An electrical inspector who inspects only one-two family housing.

§ 70-3 Designation of Electrical Inspector and Electrical Inspection Agency.

- A. The Codes Enforcement Officer shall enforce all provisions of this Chapter.

- B. The Codes Enforcement Officer shall be and is hereby authorized to appoint an electrical inspector(s) and/or electrical inspection agency(s) for the purpose of making electrical and related inspections and reinspections, at reasonable times and places and upon reasonable notice.
- C. The Codes Enforcement Officer shall be and is hereby authorized to approve the qualifications of all electrical inspector(s), who in his opinion and discretion, are qualified to conduct electrical inspections.
 - (1) The minimum qualifications of an electrical inspector shall be in accordance with §70-3 of this Chapter.
 - (2) If an electrical inspector's qualifications are not acceptable, the electrical inspector or electrical inspection agency may appeal the Codes Enforcement Officer's decision to the Village of Fayetteville's Board of Trustees.
- D. In no event shall the cost or expense of such inspections or reinspections be a charge against the Village of Fayetteville, except that such inspection or reinspection is -
 - (1) made on a property owned by the Village of Fayetteville.
 - (2) done due to the result of an emergency (see §70-5, F) unless the property was under a current permit of the approved electrical inspector(s) or electrical inspection agency.

§ 70-4 Minimum qualifications of Electrical Inspector.

- A. Residential Electrical Inspector – Successful completion of a certification course offered by a nationally or New York State recognized agency such as the International Code Council's (ICC) Test E1; or International Association of Electrical Inspectors' Test, one and two family (2A).
- B. Commercial Electrical Inspector - Successful completion of a certification course offered by a nationally or New York State recognized agency such as the International Code Council's (ICC) Test E2; or International Association of Electrical Inspectors' Test, Electrical General (2B).
- C. Electrical Plans Examiner - Successful completion of a certification course offered by a nationally or New York State recognized agency such as the International Code Council's (ICC) Tests E1, E2, E3, O1 and O2; or International Association of Electrical Inspectors' Tests 2A, 2B, and 2C.
- D. All Inspectors and Plans Examiners – Successful completion of twelve (12) hours of annual in-service certification course offered by a nationally or New York State recognized agency such as local chapter of International Association of Electrical Inspectors. Six (6) hours of annual in-service training by a local chapter of NYSBOC related to electrical requirements of the Uniform Code can be used to offset the twelve (12) hours of required annual in-service training.
- E. Proof of successful completion of a certification course offered by a nationally or New York State recognized agency such as the International Code Council's (ICC) or International Association of Electrical Inspectors, and/or attendance at an annual in-service from local chapter of New York State Building Officials Conference or the

International Association of Electrical Inspectors shall be provided annually to the Codes Enforcement Officer of the Village of Fayetteville.

- F. Provide annually a certificate of insurance naming the Village of Fayetteville as additional insured for New York State's workers compensation and disability insurance.
- G. Provide annually a certificate of insurance naming the Village of Fayetteville as additional insured for commercial general, automobile and umbrella liability insurance for a minimum of \$1,000,000.

§ 70-5 Authorization to Issue Permits and Make Inspections.

The duly approved residential and/or commercial electrical inspector is hereby authorized to issue electrical permits and make inspections and re-inspections, at reasonable times and places and upon reasonable notice, of all electrical installations regulated and covered by the NEC, the Uniform Code, and/or the Code of the Village of Fayetteville in the Village of Fayetteville.

§ 70-6 Duties of inspectors.

- A. The electrical inspector or electrical inspection agency shall instruct the applicant to post the permit in conspicuous place at the work site within twenty-four (24) hours upon receiving a permit for an electrical inspection.
- B. Upon issuing a permit for an electrical inspection, the electrical inspector or electrical inspection agency shall **immediately** fax or e-mail a copy of the application and permit to the Village of Fayetteville's Codes Enforcement officer.
- C. The electrical inspector or electrical inspection agency shall make inspections and reinspections of electrical installations in and on properties in the Village of Fayetteville to verify compliance with the electrical Permit that was issued to the applicant. At a minimum –
 - (1) There shall be an inspection prior to enclosing any underground areas, walls, floors or other framing; after the installation of any appliances and/or equipment including smoke and/or carbon monoxide detectors that are hard-wired, generators, solar panels, wind turbines, etc.
 - (2) Determine compliance with regard to -
 - (a) Material, Receptacles, Plug fuses, Nonground-type receptacles and Grounding of appliances;
 - (b) New installations, Existing installations, Enclosed areas, Kitchens, Laundry areas, Ground fault circuit interruption, Minimum lighting outlets, Utility rooms and basements and Clearance for equipment; and
 - © Unsafe conditions, Service upgrade and number of electrical outlets.
 - (3) Verify that all electrical panels, electrical wiring and equipment are safe, not hazardous and not being overloaded.
 - (4) Confirm that all old wiring, not being used, is removed or properly capped.
- D. Upon completion of an in-ground, above-ground, rough-in and/or final inspection, the electrical inspector or electrical inspection agency shall post in a conspicuous place at the work site an inspection report form that details what was inspected and whether or not it was in compliance with the electrical provisions of the NEC, the Uniform Code, and/or the Code of the Village of Fayetteville as referred to in this

Chapter insofar as any of the same apply to electrical wiring. With reference to the Uniform Code, the electrical provisions shall include, but are not limited to -

- (1) Residential Code of New York State
 - (a) Chapter 33 General Requirements
 - (b) Chapter 34 Electrical Definitions
 - (c) Chapter 35 Services
 - (d) Chapter 36 Branch Circuit and Feeder Requirements
 - (e) Chapter 37 Wiring Methods
 - (f) Chapter 38 Power and Lighting Distribution
 - (g) Chapter 39 Devices and Luminaries
 - (h) Chapter 40 Appliance Installation
 - (i) Chapter 41 Swimming Pools
 - (2) Building Code of New York State
 - (a) Chapter 27 Electrical
 - (3) Existing Building Code of New York State
 - (a) Chapter 3 Prescriptive Compliance Method, Section 302.6 Electrical (Additions, Alterations or Repairs)
 - (b) Chapter 3 Prescriptive Compliance Method, Section, Section 305.6 Electrical (Change of Occupancy)
 - (c) Chapter 5 Repairs, Section 507 Electrical
 - (d) Chapter 7 Alterations – Level 2, Section 708 Electrical
 - (e) Chapter 9 Change of Occupancy, Section 908 Electrical
 - (4) Mechanical Code of New York State
 - (a) Chapter 3 General Regulations, Section 301.7 Electrical Installation
 - (5) Fuel Gas Code of New York State
 - (a) Chapter 3 General Regulations, Section 309 Electrical
 - (b) Chapter 3 General Regulations, Section 309 Electrical Bonding
 - (6) Energy Conservation Construction Code of New York State
 - (a) Chapter 4 Residential Energy Efficiency, Section 404 Electrical Power and Lighting Systems
 - (b) Chapter 5 Commercial Energy Efficiency, Section 505 Electrical Power and Lighting Systems
- E. The electrical inspector or electrical inspection agency shall **immediately** fax or e-mail a copy of the inspection report form to the Codes Enforcement Officer, owners and/or lessees of a property where electrical installations, wiring and/or installation(s) are found to be in violation or deviation from or omissions of the electrical provisions of the NEC, the Uniform Code, and/or the Code of the Village of Fayetteville as referred to in this Chapter.
- F. The electrical inspector or electrical inspection agency shall make inspections and reinspections of electrical installations in and on properties in the Village of Fayetteville upon written request of the Codes Enforcement Officer, Chief of the Fayetteville Fire Department, Superintendent of the Department of Public Works, the Mayor or as herein provided.
- G. In the event of an emergency, the electrical inspector or electrical inspection agency shall make inspections of electrical installations in and on properties in the Village of Fayetteville upon the oral request of the Codes Enforcement Officer, Chief of the Fayetteville Fire Department, Superintendent of the Department of Public Works, the Mayor or as herein provided.
- H. The electrical inspector or electrical inspection agency are authorized to make inspections and reinspections of electrical wiring, installations, devices, appliances

and equipment in or on properties within the Village of Fayetteville where they deem it necessary for the protection of life and property.

- I. The electrical inspector or electrical inspection agency are authorized to issue an Electrical Temporary Certificate of Occupancy or Certificate of Compliance if a building or other structure or a designated portion of a building or other structure is sufficiently complete so that it may be put to the use for which it is intended.
 - (1) A Temporary Certificate of Occupancy or Certificate of Compliance shall expire ninety (90) days from the date of issuance of the Certificate of Occupancy or Certificate of Compliance.
- J. The electrical inspector or electrical inspection agency shall issue a temporary or final Certificate of Occupancy or Certificate of Compliance to the applicant when electrical installations and equipment are in conformity with electrical provisions of the NEC, the Uniform Code, and/or the Code of the Village of Fayetteville as referred to in this Chapter.
- K. A copy of the temporary or final Certificate of Occupancy or Certificate of Compliance shall be faxed or e-mailed to the Village of Fayetteville's Codes Enforcement Officer within 24-hours upon issuance of the temporary or final Certificate of Occupancy or Certificate of Compliance with a copy of the form that details what was inspected and whether or not it was in compliance at the time of the rough-in and final inspections.

§ 70-7 Exceptions.

- A. The provisions of this Chapter shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment or the installations or equipment employed by a railway, electrical or communications utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose.
- B. This Chapter shall not apply to any building which is owned or leased in its entirety by the government of the United States or the State of New York.

§ 70-8 Waiver or Assumption of Liability.

This Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Village of Fayetteville or duly appointed approved electrical inspector or an inspection agency who employs such inspector that is approved by the Codes Enforcement Officer be deemed to have assumed any liability by reason of any inspection made pursuant to this local law.

§ 70-9 Penalties for offenses.

- A. It shall be a violation of this Chapter and §78-3 A & B for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties of the Village of Fayetteville until an application for inspection has been filed with a designated electrical inspector.
 - (1) When a Building Permit may not be required (see §78-3 C & D), all electrical work described (see §70-1), but not limited to, shall require an electrical permit.
 - (2) When a utility, fire department, or other emergency personnel disconnects the electricity to a building or portions of a structure, it shall not be re-energized

without an inspection by an electrical inspector or electrical inspection agency (that employs such approved electrical inspector).

- B. It shall be a violation of this Chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power including transformers or fuel, solar or wind generators to any source of electrical energy supply prior to the issuance of an electrical permit (see §70-5) by the electrical inspector or electrical inspection agency.
- C. It shall be a violation of this Chapter for a person, firm or corporation who is a property owner or leasing agent to permit the occupancy of any building or other structure that has not been issued a valid temporary or final Certificate of Occupancy or Certificate of Compliance by the electrical inspector or electrical inspection agency where one is required by this Chapter or §78-7.
- D. It shall be a violation of this Chapter for a person to knowingly reside in or occupy any building or other structure that has not been issued a valid temporary or final Certificate of Occupancy or Certificate of Compliance by the electrical inspector or electrical inspection agency where one is required by this Chapter or §78-7.
- E. It shall be a violation of this Chapter or §78-7 for a building or other portions of a structure to be erected, repaired, altered or requiring a change of occupancy, subject to the Uniform Code and/or this Chapter, to be used or occupied, except to the extent provided in this Section, until a temporary or final Certificate of Occupancy or Certificate of Compliance has been issued.
- D. Any person committing an offense against any of the provisions of this Chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a fine or by imprisonment as set forth in Chapter 113 of this Code.

Section Three (3). . ILLEGALITY/SEVERABILITY.

If any part of this local law or the application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to the other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid and which best achieves the intent of the invalid provision.

Section Four (4). EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

- 1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. One of 2013 of the Village of Fayetteville was duly passed by the Village Board of Trustees of the Village of Fayetteville on January 14, 2013 in accordance with the applicable provisions of law.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.

Lorie Corsette, Village Clerk

(Seal)

Date: _____, 2013

(Certification to be executed by Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
Ted Spencer

Attorney for the Village
Title

Village of Fayetteville

Date: _____, 2013

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.